

82 - 1947

NO. _____

FILED
MAY 3 1983

ALEXANDER S. S. S. S.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1982

ERICH KOKER and BEATRICE E. KOKER,

APPELLANTS

VS

FREDERICK V. BETTS and JANE DOE BETTS,
his wife, and their marital community,
and SKEEL, McKELVY, HENKE, EVANSON &
BETTS, Law Firm Of Frederick V. Betts,

APPELLEES

AND

KENNETH L. LeMASTER and JANE DOE
LeMASTER, his wife, and their marital
community, and SAFECO INSURANCE COMPANY
OF AMERICA, and GENERAL INSURANCE COMPANY
OF AMERICA, and FIRST NATIONAL INSURANCE
COMPANY OF AMERICA.

APPELLERS

A-P-P-E-N-D-I-X

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE COURT OF APPEALS
DIVISION I AND THE SUPREME COURT OF
THE STATE OF WASHINGTON

Beatrice E. Koker
Erich Koker
Pro Se

939 N. 105th St.
Seattle, WN 98133
(206) 783-6998

*I do Certify.
all veroning to
be true copies.
Beatrice Rober*

APPENDIX "B"

DEF/RESPONDENT #2 ONLY

Appeal - - - - - #8935-8-I

Supreme Court State - - - - - 48900-9

Copy United States Court Appeal B
(5 Pages And Attachments)

Summary Judgment Granted - - B-1:
II III IV
Letter From Honorable Judge Goodloe

Reconsideration Denied - - - B-2:
Letter From Honorable
Judge Goodloe

Order Granting - - - - - B-3 And B-4:
Summary Judgment

Order Denying Motion - - - - B-5 And B-6:
Reconsideration

COURT OF APPEALS
DIVISION I

Notice Court Of Appeals - - - B-7:
Decision

Opinion - - - - - B-8 Thru B-10:
(Appendix C-32 Thru C-42
Petitioner's Report On
The Opinion For Both
Def #1 and Def #2:)

INDEX "B"
APPENDIX

index - B
COURT OF APPEALS
DIVISION I (Cont'd)

Order Denying Motion - - - B-11:
For Reconsideration

SUPREME COURT
STATE OF
WASHINGTON

Petition For Review - - - - B-12:
Denied

Hearing Set For Ruling - - B-13:
Pending Motion
Reconsideration-Rehearing
To Be Heard January 7, 1983:

Motion Denied - - - - - B-14:
January 7, 1983
Remedies Exhausted In State

Statistical Record Of - - - B-15 Thru B-18:
Clerk's Papers Superior
Court Summary Judgment
Proceeding - From Appeal

(
Copy Of Errors On Appeal B-19 And B-20:
Evaded-Avoided by Appellate
Court

Statement Of Case Record B-21 Thru B-40:
CP and RP References And
Court Proceedings

Where and How Federal Question
Raised in Record B-41 Thru B-54:

CLASS - From Record B-55 Thru B-62:

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

ERICH KOKER and BEATRICE
E. KOKER, husband and wife,
Plaintiffs/Appellants/
Petitioners,

V

FREDERICK V. BETTS and JANE
DOE BETTS, his wife, and
their marital community,
and SKEEL, McKELVY, HENKE,
EVANSON & BETTS, Law Firm
Of Frederick V. Betts,

Defendants #1

RESPONDENTS #1

KENNETH L. LeMASTER and
JANE DOE LeMASTER, his wife,
and their marital community,
and SAFECO INSURANCE COMPANY
OF AMERICA, and GENERAL INS-
URANCE COMPANY OF AMERICA,
and FIRST NATIONAL INSURANCE
COMPANY OF AMERICA.

Defendants #2

RESPONDENTS #2

) NOTICE OF
) APPEAL FROM
) STATE COURT,
) CIVIL CASE

) FROM

) COURT OF
) APPEALS-STATE OF
) WASHINGTON
) #8935-8-I
) DIVISION I
) DEF/RESPOND-
) ENTS #2

) AND

) STATE SUPREME
) COURT OF THE
) STATE OF
) WASHINGTON
) #48900-9
) DEF/RESPONDENTS
) #2

) FROM:

) SUMMARY JUDGMENT
) PROCEEDING

) DATED:

) January 27, 1983

NOTICE OF APPEAL TO THE SUPREME
COURT OF THE UNITED STATES

Notice is hereby given that Beatrice E. Koker
and Erich Koker, the above named Plaintiffs/
Appellants/Petitioners hereby appeal to the

Notice OF APPEAL DEF/RESPONDENTS #2

B

to the Supreme Court of the United States from the final judgments of the Court of Appeals Division I and the Supreme Court of the State of Washington.

"APPEALING FROM"

APPEALING FROM: The final judgment of a granted summary judgment AFFIRMED in the Court of Appeals Division I, State of Washington, Cause II III IV, to the defendants/respondents #2 - Kenneth L. LeMaster et ux, et al. APPEAL: 8935-8-I:

APPEALING FROM: The denial of motion for reconsideration Cause II III IV by the Court of Appeals Division I, State of Washington.

Appeal: 8935-8-I:

APPEALING FROM: Denial of petition for review in the State of Washington Supreme Court, disregarding and/or evading the fact four considerations to the court by rule were met by petitioner. Petition 48900-9:

APPEALING FROM: Constitutional denial for

NOTICE OF APPEAL DEF/RESPONDENTS #2

B

for reconsideration-rehearing for denial of petition for review in two ways: (1) Unconstitutional to repeal rehearing of Statute RCW 2.04.160, (2) Disregarding, ignoring, evading discretionary ruling for rehearing, or RAP 1.2(a) for "JUSTICE." Clerk of the Supreme Court of the State of Washington "filing motion and no further action" on reconsideration-rehearing and Clerk's ruling upheld by State Supreme Court. Under facts, a denial of Constitutional right. And there are others.

STATE CONSTITUTION ARTICLE 4, §1: PETITION
48900-9:

ATTACHED: SEE: APPENDIX B-7: B-11 Thru B-14:

JUDGMENTS ENTERED: COURT OF APPEALS DIV I:

AFFIRMING A GRANTED SUMMARY ... July 6, 1982:
JUDGMENT CAUSE II III IV:

RECONSIDERATION DENIED: Aug 5, 1982:

STATE SUPREME COURT OF WASHINGTON

PETITION FOR REVIEW DENIED . . .Nov 8, 1982:

MOTION TO GRANT OR DENY // . . .Jan 7, 1983:
REHEARING NOT RULED:

EVADING * REFUSED IDENTITY . . Nov 5, 1982:

NOTICE OF APPEAL DEF/RESPONDENTS #2

B

*** This appeal is taken pursuant to
28 USC §1257(3) and §1257(2) and USCA RULE 56
SUMMARY JUDGMENT.

*** This appeal is taken pursuant to the
Constitution of the United States Amendment 14,
and the entire Constitution as per circumstances
and facts and evidence applicable. Not limited
to Title 8, Title 18, Title 28, Title 42,
ARTICLE III ET AL.

*** This appeal taken pursuant to Judiciary
Act of 1789 Section 25.

*** This appeal taken pursuant to judiciary
evading Federal Questions and who could not
reach a determination without ruling on the
Federal Question.

*** This appeal to the United States Sup-
reme Court pursuant to denial of access to
courts contrary to law. Denied a trial. State
appeal did not correct.

"It is essential criterion of appellate
jurisdiction that it revises and
corrects proceeding in cause already

NOTICE OF APPEAL DEF/RESPONDENTS #2

instituted, and does not create
that cause." 28 USCS §1257 Note 1:

* * * This appeal pursuant to denial of access
to courts via summary judgment contrary to law,
affirmed on appeal.

* * * This appeal taken pursuant to Constitut-
ion right to a trial fully and fairly heard in
a meaningful manner under the facts, rules,
law, evidence and circumstances of the case
at bar.

* * * This appeal taken pursuant to determin-
ation of "STATE BAR ACT" and "STATE ACTION"
and attorneys "UNDER COLOR OF LAW." RCW 2.48:

* * * This appeal taken pursuant to seeking
the supervision of the United States Supreme
Court invoking their jurisdiction in this
appeal to Washington State Court of Appeals
Division I and the Washington State Supreme
Court, in defense of Beatrice Koker's rights.
The State Appellate Structure (Court of
Appeals and Supreme Court) have so departed

from the accepted and usual course of judicial proceedings and have sanctioned such a departure by a lower court as to call for an exercise of the supervision and justice from the highest court in the land. The courts of the State of Washington have deprived me of rights and deprived me of redress and remedy to the damage of Beatrice Koker, citizen and person. The result has left me barren with no life, liberty nor pursuit of happiness.

*** Below is a newspaper article from the Seattle Post Intelligencer January 26, 1983 regarding the overcrowded courts. Appealing to the Supreme Court to determine "CHECKS AND BALANCES" of state courts, subsidizing injustice, and judgment. I ask investigation of this to determine if overcrowded court calendars and overworked judges effects judgment of the courts in "denials" of rights and judgments contrary to law.

(Copy-typing newspaper article
herein to follow)

NOTICE OF APPEAL DEF/RESPONDENTS #2

B

STATE COURTS
BEING FLOODED,
A JUSTICE SAYS

OLYMPIA (AP) -- "Washington lawmakers have been warned that state courts are being strangled by paperwork and too many lawsuits and that quality of judges may be sliding because of poor pay.

"We're just inundated" state Supreme Court Justice Robert Brachtenbach told the Senate Judiciary Committee yesterday. "If the appeals courts of our state didn't take another case after tomorrow, it would take three years to catch up, even though productivity is up 40 percent."

"At the superior court level, over 158,000 new suits were filed last year, and municipal, district and appeals courts also are jammed with cases, he said."

Two Years For Appeal

It can take two years to go through the appeals process, he said, adding, "That's an intolerable period of time."

A new study shows that landlord-tenant disputes and domestic squabbles, not damage suits, are taking the bulk of judges' time, Brachtenbach said.

"A true story: A judge told me he spent two hours hearing arguments on who would get custody of the dog (in a divorce case,") he said.

Legislators may have to find non-court ways of settling time-consuming

landlord-tenant disagreements and domestic cases, he said.

"The courts already are diverting some cases to court commissioners, pre-settlement conferences and "everything we can think of" to ease the crunch, but lawmakers may want to order more arbitration or some other answer, he said.

"We need to stop this paperwork jungle," Brachtenbach said.

"Court case levels predicted for the year 2000 already have been passed," added Appeals Judge James Andersen.

Supreme Court Chief Justice William Williams argued for a fatter budget for his court, saying new law clerks and other personnel are needed to cope with the avalanche of complicated suits, "Such as WPPSS, asbestos cases and death penalty appeals."

The panel also heard a strong recommendation for jacking up judges' pay.

Chairman Phil Talmadge, D-Seattle and others are pushing a bill to boost the pay for superior court judges from the current \$44,700 to \$60,000. Pay for an appeals judge would go from \$48,000 to \$63,000, and supreme court justices' pay would go from \$51,000 to \$66,000."

JURISDICTION: On appeal to the United States Supreme Court, petitioners Kokers ask that

jurisdiction of this appeal is postponed until after review of the merits. The record speaks for jurisdiction.

This appeal is made in good faith by the petitioners Beatrice E. Koker and Erich Koker. This appeal is not made in anger nor animosity nor vindictiveness, nor maliciously. This appeal is made in grief.

Should the jurisdiction be granted, the petitioners ask the United States Supreme Court to reverse the entire case to trial by reversing the granted summary judgment affirmed on appeal in Cause II III IV to Defendants #2. In the alternative to trial, settlement out of court or damages awarded for injuries, deprivations, et al, to be awarded by the direction of the United States Supreme Court. The concealment of this case encompasses deceit and lying to judges and jury and involving misrepresentation and suppression of material facts to injuries. The Washington

State Courts judgments order and appeal shall
bury this case forever.

TO BURY THIS CASE IS TO INVITE
RESURRECTION.

RESPECTFULLY SUBMITTED,

/s/
Beatrice E. Koker, Pro Se

/s/
Erich Koker

HAND DELIVERED TO: (SERVICE)

Washington State Supreme Court
Olympia, Washington 98504

Court of Appeals Division I
One Union Square
600 University Street
Seattle, Washington 98101

RESPONDENTS #2

ATTORNEY OF RECORD
William A. Helsell, Attorney
Post Office Box 21846
(Washington Building 15th Floor)
HELSELL, FETTERMAN, MARTIN, TODD & HOKANSON
Seattle, Washington 98111

WILLIAM C. GOODLOE
Judge of the Superior Court
Seattle 98104

February 20, 1980

Mrs. Beatrice E. Koker
939 N. 105th Street
Seattle, Washington 98133

Mr. William A. Helsell
Attorney at Law
1500 Washington Building
P. O. Box 21846
Seattle, Washington 98111

Re: Koker vs. Betts and LeMaster
King County Cause No. 864509

Dear Mrs. Koker and Mr. Helsell:

This is to inform you that having heard the arguments, having read the briefs and the citations contained therein, the defendant LeMaster's motion for Summary Judgment is granted.

Yours truly,

/s/

William C. Goodloe

WCG: ec

SEE: CP FILE #81 p 142;

LETTER FROM SUPERIOR COURT JUDGE GRANTING
SUMMARY JUDGMENT CAUSE II III IV

B-1

WILLIAM C. GOODLOE
Judge of the Superior Court
Seattle, 98104

May 6, 1980

Mrs. Beatrice E. Koker
939 North 105th Street
Seattle, WA. 98133

Re: Koker v Betts and LeMaster, et al
King County Cause #864509

Dear Mrs. Koker:

Having taken under advisement your motion to reconsider my order awarding the defendant, LeMaster, a summary judgment dismissal, I have concluded after studying the briefs and the file to adhere to my ruling on that point.

Also, this is to inform you that the Presiding department has reassigned me to the Motion Calendar for the month of May and in view of this action on their part, it will be necessary to inform you that the hearing that was previously set for 9:30 a.m. on May 12, will now be heard at 1:30 p.m. on that date.

cc: Mr. William
Helsell File (2)

Very truly yours,
(no signature)

CP FILE #124 p 34:

William C. Goodloe

LETTER FROM SUPERIOR COURT JUDGE DENYING
MOTION FOR RECONSIDERATION

B-2

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ERICH KOKER and BEATRICE
E. KOKER, husband and wife,

Plaintiffs,

vs.

FREDERICK V. BETTS, et ux,
et al.

Defendants #1

KENNETH L. LeMASTER, et ux,
et al.,

Defendants #2

No. 864 509

SUMMARY

JUDGMENT

OF DISMISSAL

THIS MATTER having come on for hearing before the undersigned judge of the above entitled court upon the motion of the defendants Kenneth L. LeMaster, Safeco Insurance Company of America, General Insurance Company of America and First National Insurance Company of America for summary judgment of dismissal, defendants appearing through their attorney, William A. Helsell, and plaintiffs appearing pro se through Beatrice E. Koker, and the court having considered the following affidavits filed in support of and in opposition to said motion for summary judgment and below described

SUMMARY JUDGMENT OF DISMISSAL

DEF #2

B-3

memoranda of authority submitted by all parties:

1. Affidavit of Kenneth L. LeMaster.
2. Memorandum in Support of Motion for Summary Judgment by Defendants #2.
3. Plaintiffs Memorandum and Memorandum of Law in Opposition to Defendants #2 Motion for Summary Judgment.
4. Affidavit of Plaintiff Beatrice Koker in Opposition to Defendants #2 Motion for Summary Judgment.
5. Affidavit of Plaintiff Controverting Affidavit of Kenneth L. LeMaster, Def #2.
6. Plaintiffs' Answer: To the "Summary Judgment Hearing Case" Presented by Def #2.
7. Supplementary Page To: Plaintiffs Answer to "hearing Case" in Opposition Re: Evidence of Agreement For Conspiracy and Conclusion.

8. Duty Report: Outcome of "Hearing Case"
at Defendants #1 Summary Judgment Hearing
January 31, 1980. AND OTHER

and the court having listened to oral argument presented by Beatrice E. Koker for plaintiffs and William A. Helsell for the defendants above named, and the court having determined that there is no just reason for delay and that the entry of judgment of dismissal of the plaintiffs' claim against the above defendants should be expressly directed, now therefore,

IT IS HEREBY ORDERED that the motion of defendants Kenneth L. LeMaster, Safeco Insurance Company of America, General Insurance Company of America and First National Insurance Company of America for summary judgment of dismissal be and it is hereby granted.

IT IS FURTHER ORDERED that plaintiffs' complaint and all causes of action therein contained directed at Kenneth L. LeMaster and

SUMMARY JUDGMENT OF DISMISSAL DEF #2

B-4

and his wife, Safeco Insurance Company of America, General Insurance Company of America, and First National Insurance Company of America be and it is hereby dismissed with prejudice and with costs taxed in favor of those defendants.

DONE IN OPEN COURT this 15 day of
May
March, 1980.

/s/
Wm. C. Goodloe, JUDGE

Presented by:

/s/
William A. Helsell
Of Attorneys for Defendants
LeMaster and wife, Safeco
Insurance Company of America,
General Insurance Company Of
America, and First National
Insurance Company of America

CP FILE # 133 p 30:

SUMMARY JUDGMENT OF DISMISSAL DEF #2

B-4(a)

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ERICH KOKER and BEATRICE)	
E. KOKER, husband and wife,	)	NO. 864 509
)	
Plaintiffs,)	
	)	ORDER
vs.)	
	)	DENYING
FREDERICK V. BETTS, et ux,)	
et al,	)	PLAINTIFFS'
)	
Defendants #1	)	MOTION FOR
)	
KENNETH L. LeMASTER, et ux,)	
et al.,	)	RECONSIDERATION
)	
Defendants #2)	

THIS MATTER having come on for hearing before the undersigned judge of the above entitled court upon the motion of the plaintiffs for reconsideration of the decision of this court reflected by its letter of February 20, 1980, defendants Kenneth L. LeMaster, Safeco Insurance Company of America, General Insurance Company of America, and First National Insurance Company of America appearing through their attorney, William A. Helsell, and plaintiffs appearing pro se through Beatrice E. Koker, and the court having considered the 34-page motion for reconsideration filed by plaintiffs

ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION

DEF #2

B-5

and having listened to oral argument presented by Beatrice E. Koker for plaintiffs and William A. Helsell for the defendants above named, and the court being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED that the motion for reconsideration be and the same is hereby denied.

DONE IN OPEN COURT this 15 day of
May
March 1980.

/s/
Wm C Goodloe JUDGE

Presented by:

/s/
William A. Helsell
Of Attorneys for Defendants
LeMaster and wife, Safeco Insurance
Company of America, General Insurance
Company of America and First National
Insurance Company of America

CP FILE #132 p 32:

ORDER DENYING PLAINTIFFS
MOTION FOR RECONSIDERATION

DEF #2

B-6

THE COURT OF APPEALS
of the
State Of Washington
Seattle

July 6, 1982

Ms Beatrice E. Koker
939 North 105th Street
Seattle, WA 98133

Hellsell, Fetterman,
Martin, Todd &
Hokanson

Mr. William Hellsell
Attorneys at Law
1500 Washington Bldg
P.O. Box 21846

Counsel: Re: No 8935-8-I Koker v LeMaster
and Betts King County No. 864509

The opinion filed by this court in the above-
referenced case today states in part as
follows: "Affirmed"

In accordance with RAP 14.4(a), claim for costs
by the prevailing party must be supported by a
cost bill filed and served within ten days
after the filing of this opinion, or claim for
costs will be deemed to have been waived.

In the event counsel desires to file a motion
for reconsideration, your attention is directed
to RAP 12.4(b), which states that the motion
for reconsideration must be filed within 20 days
after the decision is filed.

Very truly yours,

/s/
Richard D. Taylor, Clerk

IN THE COURT OF APPEALS OF THE
STATE OF WASHINGTON

ERICK KOKER and BEATRICE
E. KOKER, husband and wife,

Appellants,

V.

FREDERICK V. BETTS and JANE
DOE BETTS, his wife, and
their marital community, and
SKEEL, McKELVY, HENKE, EVANSON
& BETTS, Law Firm of FREDERICK
V. BETTS,

Defendants,

and

KENNETH L. LeMASTER and JANE
DOE LeMASTER, his wife, and
their marital community, and
SAFECO INSURANCE COMPANY OF
AMERICA, and GENERAL INSURANCE
COMPANY OF AMERICA, and FIRST
NATIONAL INSURANCE COMPANY OF
AMERICA,

Respondents.

NO 8935-8-I

DIVISION ONE

FILED

JULY 6, 1982

PER CURIAM. — Plaintiff Beatrice E. Koker
appeals from a summary judgment dismissing her
complaint against Kenneth LeMaster for 1)
conspiracy, 2) misrepresentation, fraud, deceit,
and 3) outrage.

OPINION COURT OF APPEALS FOR DEF #2:

B-8

FACTS

The facts are well known to the parties and have been set forth in Koker v Betts, Court of Appeals Cause Number 9346-1-I and will not be set forth again in this opinion.

Koker commenced this action against Le Master alleging 1) conspiracy, 2) misrepresentation, fraud and deceit, and 3) outrage. The trial court determined that no material issue of fact existed and granted LeMaster's motion for summary judgment on all claims.

CONSPIRACY

Initially, Koker argues that Frederick Betts, her attorney, and Kenneth L. LeMaster, Sages' attorney, conspired to deprive her of a fair trial in Koker v Sage, Court of Appeals Division I, No. 4916-I, petition for review denied 91 Wn 2d 1014 (1979).

Koker presented many assertions of an alleged agreement between Betts and LeMaster to create a conspiracy; however, after a careful review of such claims we conclude

OPINION COURT OF APPEALS FOR DEF #2:

B-8(a)

that such assertions, even if true, do not constitute conspiracy. This identical argument was considered in Koker v Betts, Court of Appeals Cause Number 9346-1-I and found to be without merit. We see no reason to further consider the matter.

MISREPRESENTATION, FRAUD & DECEIT

Koker argues that the trial court erred in holding as a matter of law that her action for fraud, misrepresentation and deceit against LeMaster is barred by the doctrine of collateral estoppel. We disagree.

The four elements of collateral estoppel are:

- (1) Was the issue decided in a prior adjudication identical with the one presented in the action in question?
- (2) Was there a final judgment on the merits?
- (3) was the party against whom the plea is asserted a party or in privity with a party to the prior adjudication?
- (4) Will the application of the doctrine not work an injustice on the party against whom the doctrine is to be applied? (Citations omitted.)

Lucas v Velikanje, 2 Wn App 888, 471 P 2d 103(1970). Here, all four elements are satisfied. The issues of deceit and misrepresentation by Mr. LeMaster were presented in Koker v Sage, supra, appeal and resolved against her. The prior litigation ended in judgment on the merits. The party against whom collateral estoppel is asserted, Koker, was a party in the prior litigation. Finally, application of the doctrine will not work an injustice on her since she has already had her day in court.

In any event, the evidence, even viewed in the light most favorable to Koker fails to raise a genuine issue of material fact as to LeMaster's intent to defraud, deceive, or misrepresent. His conduct at trial has already been found to be within the limits of acceptability. Koker v Sage, supra at 3.

OUTRAGE

Next, Koker argues that LeMaster's conduct during the trial was so outrageous that it caused her severe mental distress. This

B-9(a)

argument is without merit. LeMaster's conduct at trial has already been held acceptable by this court in Koker v Sage, supra and therefore the trial court properly dismissed this claim as a matter of law. Grimsby v Samson, 85 Wn 2d 52, 59, 530 P 2d 291 (1975).

Affirmed.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports but will be filed for public record pursuant to RCW 2.06.040, IT IS SO ORDERED

/s/

CHIEF JUDGE

IN THE COURT OF APPEALS OF THE STATE WASHINGTON

ERICK KOKER and BEATRICE)	
E. KOKER, husband and wife,	)	NO. 8935-8-I
)	
Appellants,)	
	)	ORDER
v.)	
	)	DENYING
FREDERICK V. BETTS and JANE)	
DOE BETTS, his wife, and their	)	MOTION FOR
marital community and SKEEL,)	
McKELVY, HENKE, EVANSON & BETTS,	)	RECONSIDER-
Law Firm of FREDERICK V. BETTS,	)	ATION
)	
Defendants,)	
)	
and)	
)	
KENNETH L. LeMASTER and JANE)	
DOE LeMASTER, his wife, and)	
their marital community, and)	
SAFECO INSURANCE COMPANY OF)	
AMERICA, and GENERAL INSURANCE)	
COMPANY OF AMERICA, and FIRST)	
NATIONAL INSURANCE COMPANY OF)	
AMERICA,)	
Respondents.)	

The appellants, Erich Koker and Beatrice E. Koker, having filed their motion for reconsideration herein and a majority of the court having determined that it should be denied; Now, therefore, it is hereby ORDERED that the motion for reconsideration be, and the same hereby is, denied.

/s/

Frank D. James
Acting Chief Judge

COURT OF APPEALS #8935-8-I ORDER DENYING
MOTION FOR RECONSIDERATION

B-11

THE SUPREME COURT
State of Washington
Olympia
98504
November 8, 1982

Ms. Beatrice Koker 939 North 105th Street Seattle, Washington 98133	Hellsell, Fetterman, Martin, Todd & Hokanson Mr. William Hellsell P.O. Box 21846 Seattle, Washington 98111
Mr. Michael Mines Attorney At Law 40th Fl., Bank of California Center Seattle, Washington 98164	

Counsel:

48900-9 BEK

Re: Supreme Court No. 48990-4- Beatrice
Koker, et ux, v Frederick Betts, et ux

Court of Appeals No. 8935-8-I

The above entitled Petition for Review
was considered by the Court on its November
5, 1982, Petition for Review Calendar.

The Petition was denied by order number
107/126 filed on November 8, 1982.

Very truly yours,

/s/
REGINALD N. SHRIVER
Acting Clerk

PETITION FOR REVIEW DENIED BY SUPREME COURT
STATE OF WASHINGTON

B-12

THE SUPREME COURT
State of Washington

Olympia
98504

December 6, 1982

Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Mr. William
Helsell
Attorney at Law
P.O. Box 21846
Seattle, WA
98111

Betts, Patterson & Mines
Mr. Michael Mines
40th Fl., Bank of California
Seattle, Washington 98164

Re: Supreme Court No 48900-9- Koker,
et ux, v Betts, et al

Supreme Court No. 49006-6- Koker,
et ux, v Betts, et al.

Counsel:

Petitioner's "Motion To Rule On Pending
Motions" dated November 23, 1982, filing
various post mandate motions without further
action.

The motion will be set for consideration
before a department of the Court on its
January 7, 1982 motion calendar.

Very truly yours,

/s/
REGINALD N. SHRIVER
Acting Clerk

MOTIONS SUBMITTED BY BEATRICE KOKER TO STATE
SUPREME COURT ARE PRE-MANDATE

SEE: APPENDIX A-17 (a):

B-13

THE SUPREME COURT
State of Washington

Olympia
98504

January 7, 1983

Mr. Erich Koker and Mrs. Beatrice E. Koker
939 North 105th Street
Seattle, WA 98133

Betts, Patterson & Mines
Mr. Frederick Betts
40th Floor, Bank of California
Seattle, WA 98164

Helsell, Fetterman, Martin, Todd & Hokanson
Mr. William A. Helsell
P.O. Box 21846
Seattle, WA 98111

Re: No. 48900-9 - KOKER V BETTS, ET AL
No. 49006-6 - KOKER V BETTS, ET AL
(Court of Appeals NOS. 8935-8-I & 9346-1-I)

Counsel:

After a hearing this day, the following
Notation Order was entered in the above entit-
led action in Volume 14, at page 677 of the
Motion Docket.

MOTION TO MODIFY CLERK'S LETTER
OF DETERMINATION. "DENIED."

/s/ William H. Williams Very truly yours,
Acting Chief Justice

/s/
REGINALD N. SHRIVER
Acting Clerk

NOTE: THIS IS AN EXAMPLE OF EVADING AND
AVOIDING. MY MOTIONS NEVER WERE RULED ON!

B-14

NUMERICAL RECORD - CLERK'S PAPERS

APPEAL #8935-8-I Def/Respondent #2

CP FILE #1 p 425: Complaint

✓ CP FILE #62 p 411: Summary Judgment Motion
By Def/Respondent #2

✓ CP FILE #63 p 408: Affidavit Of Def #2:

✓ CP FILE #64 p 391: Memorandum in Support Of
Motion For Summary Judgment - Def #2: NOT IN
AFFIDAVIT FORM;

CP FILE #66 p 390: Plaintiff Note For Motion
Continuance:

CP FILE #67 p 389: Continuance Affidavit

CP FILE #73 p 359: Plaintiff Affidavit In
Opposition To Def #2 Summary Judgment Motion:

CP FILE #73 p 359: Last Page Is Affidavit
Of Dr. William K. Sata Refuting Def #2

Affidavit regarding The Doctor. Untruth #2

CP FILE #1 p 425 Paragraphs 2.22 Through 2.31:

Credibility. Substance. Veracity Issues Raised:

CLERK'S PAPERS

B-15

CP FILE #74 p 216: Plaintiffs Memorandum In
Opposition and Memorandum Of Law to Def #2
Motion For Summary Judgment:

CP FILE #75 p 213: Affidavit Of Beatrice
Koker in Opposition To Def #2. No Answer To
Complaint by Either Defendant.

CP FILE #77 p 154: Plaintiffs Answer to Case
Brought First Time By Def #2 Attorney to Oral
Argument Of Summary Judgment:

CP FILE #78 p 153: Supplementary Page To
Plaintiff's Answer In File #77:

CP FILE #80 p 143: Duty Report. Outcome
Of Case Brought To Summary Judgment:

CP FILE #81 p 142: Honorable Judge Goodloe's
Decision Summary Judgment Granted Cause II
III IV: (Also Appendix B-1: Herein)

CP FILE #82 p 98: Plaintiffs Motion For
Reconsideration - Decision Summary Judgment
Granted Cause II III IV.

CP FILE #84 p 96: Plaintiffs Motion For
Order CR 7(b):

CP FILE #85 p 95: Plaintiffs Motion For
Order To Clarify Record:

CP FILE #89 p 84: Plaintiffs Motion To Strike
Proposed Order Summary Judgment And Objections:

CP FILE #90 p 83: Motion To Strike Order
FOR Summary Judgment:

CP FILE #95 p 63: CR 56 Additional Matters
Submitted By Plaintiff.

CP FILE #96 p 59: PROPOSED REVISED ORDER
REJECTED BY PLAINTIFF Continuing Timely
objection And Continuing Timely Motion To
Strike.

CP FILE #97 p 58: Predicted Prejudice.

CP FILE #103 p 56: ADDITIONAL MATTER CR 56.
"3-Way Factual Issue Of Credibility."

CP FILE #102 p 57: Additional Matter CR 56:

CP FILE #117 p 35: Conspiracy. Trial
Cancelled Prior To Court Even Hearing. Then
9 Days After Cancellation, False Reason To
Court. This is Untruth #4 COMPLAINT
CP FILE #1 p 425: Paragraphs 2.47 Through 2.55:
CP FILE #124 p 34: Reconsideration Denied:
CP FILE #132 p 32: ORDER
CP FILE #142 p 27: Specification Of Issues
To Be Tried By Jury.
CP FILE #143 p 26: Jury Demand:
CP FILE #151 p 21: Honorable Judge Goodloe's
Recusal Letter- Superior Court King County.
Judge Friend Of Defendant #1 - APPENDIX A-
5 and APPENDIX A-6:
CP FILE #153 p 4: Objections by Plaintiff:
CP FILE #155 p 1: ANSWER by Plaintiff To
Judge Goodloe's Recusal Letter.
CP FILE #145 p 25: Note For Trial Docket:

ASSIGNMENTS OF ERROR
APPEAL 8935-8-I

Error 1: "First Ruling" The trial court erred in granting summary judgment to Def #2 contrary to law, and this case and circumstances only for trier of fact. CR 59 (a) (1)(3)(7)(9):

Error 2: "Second Ruling"
The trial court erred in denying plaintiffs' motion for reconsideration and granted summary judgment to def#2 again contrary to law in the territory only for the trier of the fact. CR 59(a) (1)(3)(7)(9): THERE WAS DOUBT.

Error 3: "The Order"
The trial court erred in entering the order for summary judgment May 15, 1980, granting dismissal to Def #2, such action contrary to law, and only for the trier.

Error 4: "Evidentiary Pleadings"

The trial court erred in improperly granting summary judgment when there is no proper nor sufficient showing to contradict allegations of fact and proof, leaving issues unresolved, and no answer ever made to pleadings.

Error 5: "Moot Defenses"

The trial court erred in granting summary judgment contrary to law and rule; when the summary judgment is based on moot defenses and the premise of motion is nothing.

Error 6: "CR 56 And Rule 56 Elements Not Met"

The trial court erred weighing factual issues when Def #2 motion for summary judgment was not in affidavit form as per legal demands of CR 56 and Rule 56 of the Constitution of The United States.

Error 7: "Affidavit Of Kenneth L. LeMaster"

The trial court erred in granting motion for summary judgment when the affidavit is one

part "general denial" and another part issue of credibility, and containing questions of veracity and substance in all.

Error 8: "Light Most Favorable To Non-Moving"

The trial court erred in NOT CONSIDERING every thing in the light most favorable to plaintiff including their own evidence.

Error 9: "Divided They Fall"

The trial court erred in dividing joint-tort-feasors in wrongdoing, and leaving unresolved issues only for the trier, destroying "multiple grounds not separable" - complaint.

Error 10: "A Trial Is Necessary"

The trial court erred in granting summary judgment when there is no indication plaintiff would not prevail at trial, dismissing issues and allegations of conspiracy, material facts, complex questions, intent, doubt, controversy, and other only for the trier of the fact.

The trial court erred in disregarding public

ASSIGNMENTS OF ERROR - APPEAL #8935-8-I

B-20

trust and public policy.

Error 11: "Obstruction Of Justice"

The trial court erred in granting summary judgment contrary to law, thus by court order there is obstruction of justice TWICE.

Error 12: "Denial Of Due Process To Constitutional Trial"

The trial court erred granting summary judgment, denying plaintiff Constitutional trial, which is a trial "fully and fairly heard in a meaningful manner", denial compelling "concealment of concealment."

Error 13: "Untimely Recusal"

The trial court erred in recusing himself AFTER ALL THE PROCEEDINGS were finished when the cause of recusal should have been known prior to any proceedings.

STATEMENT OF THE CASE
EXCERPTS * PLAINTIFFS
OPENING BRIEF

* Brief p 13/1-17: and 24-27:

*** Once upon a long time ago there was a trusting, injured, middle-aged woman client of an attorney. This victim was given a personal injury trial for damages only, defense admitted liability. The jury voted the method of "guilty" or "innocent" as for a criminal case, due to the confusion of the trial. SEE: EXHIBIT 1 - COMPLAINT.

CP FILE #1 p 425:

*** The Court of Appeals find \$145,000. is "within the bounds of sensible thought" for a drop foot injury in RYAN V WESTGARD 12 Wash App 500 (1975). Beatrice Koker received \$4,600. for a drop foot injury, plus other permanent injuries, and the original injuries causing further injuries.

*** The woman-client's attorney abandoned her immediately after trial, June 1976. The

Excerpts - STATEMENT OF THE CASE #8935-8-I

B-21

client was forced to appeal pro se and thereby made discovery of wrongdoing and misdeeds by both the defense attorney and her own attorney in the trial and out of trial.

CHRONOLOGICAL SUMMARY BY PLAINTIFF

CP FILE #48 p 412:

*** The complete CHRONOLOGY OF THE CASE AT BAR is on page 9-10-11 Plaintiff's Civil Appeal Statement dated June 26, 1980.

* Brief p 14/1-27: p 15/1-8:

"First Ruling" The summary judgment hearing was held January 31, 1980. The judge did not give his ruling that day, but informed the parties by mail Feb 20, 1980. The decision of the court granted summary judgment to Defendants #2, Cause II III IV.

"Second Ruling" CR 59 (a)(1)(3)(9)(7)

THERE IS DOUBT. Plaintiff filed motion for reconsideration February 25, 1980. CP FILE #

82 Begin p 98: The hearing for this motion

Excerpts - STATEMENT OF THE CASE #8935-8-I

was held March 6, 1980, at which time the Judge took the case "under advisement." Plaintiff filed "Additional Matters" under Rule 56 to persuade the court summary judgment will be fatal to justice and contrary to law. CP FILE #95 Begin p 83; CP FILE #97 Begin P 58; CP FILE #102 Begin p 56; CP FILE #104 Begin p 55; DOUBT; CP FILE #82 Begin P 98 - Pl Document P 22/25-31;

Honorable Judge William C. Goodloe denied the motion for reconsideration presented by plaintiff and granted a summary judgment of dismissal to Def #2 on Cause II III IV. SEE: CP FILE #133 Begin P 30; May 15, 1980. The Judge had doubt.

"The Order" CONTRARY TO LAW. CR 59(a) (1)(3)(7)(9): Order denying plaintiff's motion for reconsideration, and a summary judgment of dismissal entered May 15, 1980. CP FILE #132 Begin p 32; CP FILE #133 p 30;

Excerpts - STATEMENT OF THE CASE #8935-8-I

Plaintiff Beatrice Koker objected to proposed order and objected to revised proposed order. CP FILE #96 Begin P 59;

I did not approve the order form nor the granting of the summary judgment contrary to law. The order was entered over my objections. In oral hearing there was a motion to strike the summary judgment, and continuing objections written. CP FILE #90 Begin p 83; -
P1 Document p 6 and 7; CP FILE #89 Begin p 84-
P1 Document P 13/9-13-14-15; RP "RECONSIDER
ATION" MARCH 6, 1980, Page 2/16-25; p 9/1-8;
COPY OF ORDER ATTACHED TO CIVIL APPEAL ST.

* Brief p 15/10-26; p 16 and p 17:

"Evidentiary Pleadings"

The evidentiary complaint was filed June 7, 1979. There was no answer from anyone. Plaintiff did not make motion for default as that would have not been in good faith knowing the case at bar is only for the trier of the fact for both sides. This is
Excerpts - STATEMENT OF THE CASE #8935-8-I

explained in the affidavit of Beatrice Koker
CP FILE #75 Beginning P 213:

Even in the summary judgment proceedings, Defendants #2 did not point out lack of material facts. No contradictions of the allegations were made by the moving party. The issues of material fact were presented by the plaintiff who did not have the burden to do so, and the evidentiary complaint was realleged and correlated into the memorandum in opposition to link the facts and proof.
CP FILE #74 p 216 - Pl Document P 98/2-22:
p 31/8-14: COMPLAINT CP FILE #1 Begin P 425:
CAUSES II III IV found in Complaint Paragraphs 2.1 Through 4.24:

"Moot Defenses"

** "RES JUDICATA" "MOOT"

Def #2 Motion for summary judgment had defenses of (1) res judicata (2) liability of opposing attorney to third parties, (3) immunity to defamation. SEE: DEF #2
Excerpts - STATEMENT OF THE CASE #8935-8-I

B. 25

Memorandum In Support of Motion For Summary
Judgment. CP FILE #62 Begin P 411 - Def #2
Page 4/1-5: p 12/19-29: p 16/7-11:

** The defense of res judicata was contro-
verted by plaintiff two ways: (1) Res Judi-
cata was not applicable in the case at bar
because Def #2 based this defense on Cause of
Action I, in which Def #2 is not named as a
defendant. (2) Res Judicata could not be
a defense in this case under any circumstance
because the parties, issues and subject matter
are different. The case of 1976 trial was
for personal injuries against another def-
endant. The case at bar is for the wrongful
acts and results of the wrongful acts, of two
attorneys participating together in untruths
and concealment and other wrongdoings. The
Res Judicata defense either way is "moot."

CP FILE #74 Begin p 216 - Pl Document P 5/22-31:
P 13/1-31: P 25/21-31: P 68/1-30:

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Moot Defenses"

B-25 (a)

* * The hearings in lower court were immersed in this moot res judicata opposition, and again and again Beatrice Koker reminds the attorney for Def #2 that he is infiltrating into Cause Of Action I in which his client is not even named. RP "SUMMARY JUDGMENT"
Jan 31, 1980: Page 21/12-19: RP "MOTION FOR RECONSIDERATION" MARCH 6, 1980: Page 5/11-14: Page 4/9-12:

* * Where the parties are different, issues are different, and the subject matter is not the same, "res judicata" is by law impossible.
CP FILE #74 Begin P 216 - P1 Document P 10/1-31: P 47/25-30: P 62/8-16: P 65/14-31: P 67/12-30: p 100/9-31: P 101/1-31:

* * "LIABILITY TO THIRD PARTIES" MOOT

Liability of opposing attorney to third parties is the second moot defense used by Def #2. There are exclusions to that liability escape, and those exclusions are right on point in the case at bar, to the wrong-

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Moot Defenses" "Liability To Third Parties"

B-26

doing of Def #2. Proven wrong and to be found in the COMPLAINT FILE #1 Begin p 425: Cause Of Action II; PARAGRAPHS 2.1 THROUGH 2.58; CP FILE #74 Begin P 216 - Plaintiff Document p 31/22-30; P 32/1-17;

* * "DEFAMATION" MOOT

Attorney for Def #2 used Restatement of Torts §586 in his Memorandum as aforementioned, and in summary judgment hearing. The plaintiff reiterated that this defense is moot because no defamation is alleged. Quoting RP "SUMMARY JUDGMENT" JAN 31, 1980: Page 4/9-14: p 17/20-23: Beatrice Koker:

"Mr. Helsell has mentioned privileges and immunities. I did not allege defamation. There is no defense against defamation because there is no charge. And I feel as far as privileges and immunities are concerned for myself, I should have the privilege of justice and the immunity to injustice." "Now Mr. Helsell says he has privileges and immunities. Not to conspiracy, not to collusion, and not to telling lies to a judge."

"CR 56 And Rule 56 Elements Not Met"

* Brief p 18/1-24:

** The motion for summary judgment by Def #2/Respondents was not in affidavit form as commanded by CR 56 and Constitutional Rule 56. Beatrice Koker called attention to this fact, and that no contested issue of fact can be considered, no factual matters can be weighed, and no evidence considered by the court in coming to determination of summary judgment unless the motion is in affidavit form. CP FILE #74 Beginning p 216 - P1 Document P 1(b) Lines 2-15:

** Plaintiff again brought up the subject of no affidavit form for Def #2 Motion for summary judgment, at the risk of being repetitive. CP FILE #95 Begin p 63 - P1 Document P 7/23-31:

** The third time, the subject matter of motion not in affidavit form came in "CR 56 Additional Matters", before the Judge had Excerpts - STATEMENT OF THE CASE #8935-8-1 "CR 56 And Rule 56 Elements Not Met"

signed the order. CP FILE #95 Begin P 63-
P1 Document P 7/23-31;

** The matter of Def #2 no-motion-affidavit
was then in open court proceedings. SEE:

RP "SUMMARY JUDGMENT" JAN 31, 1980 P 3/

21-22-23: Judicial notice was asked. Finally
in the throes of complete pro se desperation
Plaintiff made a motion to strike the summary
judgment on the grounds the motion was not
in proper form. "RP "RECONSIDERATION" MARCH
6, 1980 p 9/24-25: p 10/1-3:

** At no time did the Def #2 make any
attempt to correct.

* Brief page 19 and page 20:

"Affidavit Of Kenneth L. LeMaster"

** "GENERAL DENIAL"

Kenneth L. LeMaster who is Def #2,
made a general denial of the allegation of
conspiracy and collusion. CP FILE #74 Begin
p 216 - P1 Document P 1(b) Lines 16-23;

Excerpts - STATEMENT OF THE CASE #8935-8-I
"CR 56 And Rule 56 Elements Not Met"

B.27(a)

P 38/14-31: p 45/17-31: Mr. LeMaster describes his co-defendant in the conspiracy-collusion allegation, as a "professional acquaintance." The references to proof and inferences dictate otherwise. CP FILE #74 Beginning P 216 - P1 Document P 29/29-31: The Judge in the trial of 1976 noticed the informality between counsel, and made comment on that fact: (Counsel of that trial are now in the case at bar as Def #2 and Def #1) SEE: QUOTE OF THE JUDGE CP FILE #1 Begin P 425 - Paragraph 2.55 Cause of Action II: Judge Horowitz to Mr. LeMaster and Mr. Betts in 1976 trial:

"It looks to me it was very informally handled between counsel, you know each other and so forth."

** "SECOND PORTION OF MR. LeMASTER'S AFFIDAVIT" DR. SATA:

Mr. LeMaster states in the second portion of his affidavit, that plaintiff's doctor refused to testify, and refused to Excerpts - STATEMENT OF THE CASE #8935-8-I "Affidavit Of Kenneth L. LeMaster"

honor a subpoena, and is a hostile witness. Untruth #2 is relevant in that it proves the reason for a mistrial in 1975, and the responsibility belongs to Mr. LeMaster.

Complaint FILE #1 Begin P 425: PARAGRAPH 2.22 Through 2.31:

*** There are two affidavits controverting and refuting and denying Mr. LeMaster's affidavit, which at the same time shows the lack of veracity and lack of substance of Def #2 affidavit.

** Beatrice Koker controverted the affidavit of Mr. LeMaster with proof from the record, and facts from her own knowledge and experience. Dr. Sata, who is accused by Mr. LeMaster of refusing to testify, refusing to honor a subpoena, and accused of being a hostile witness, submitted an affidavit refuting and controverting Mr. LeMaster's affidavit. CP FILE #73 Begin

p 359 - P1 Document P 3 Through P 13. (All) Excerpts - STATEMENT OF THE CASE #8935-8-1 "Affidavit Of Kenneth L. LeMaster"

B.28(a)

Dr. Sata's affidavit is attached for the convenience of the court, on the very last page beyond the ~~Ex~~ of plaintiff's affidavit just quoted: CP FILE #73 Begin p 359:
Pl Document P 3 Through 13: Dr. Sata's affidavit filed separately.

* * "HOSTILITY"

Mr. LeMaster accuses Dr. Sata of being a hostile witness and this is an untrue accusation as the court will discern after examining the aforementioned Untruth #2 and the affidavit of Beatrice Koker and the affidavit of Dr. William K. Sata. It is apparent especially in CP FILE #73 P 359 -
Pl Document Pages 8 through 12(a): (WHICH IS AFFIDAVIT OF BEATRICE KOKER)

* * "ISSUE OF CREDIBILITY" "VERACITY"
"SUBSTANCE OF AFFIDAVIT"

The affidavits of controverting create an issue of credibility. Added to that is doubt of veracity of Def #2 affidavit.

Excerpts - STATEMENT OF THE CASE #8935-8-1
"Affidavit Of Kenneth L. LeMaster"

Plus the substance of the affidavit including general denial and erroneous accusations against Dr. Sata. There is a 3-way credibility issue in CP FILE #104
Begin p 55: (One Page Only) Credibility is only for the trier of the fact.

* Brief p 21/1-27:

"Light Most Favorable To Non-Moving Party"

** The non-moving party is to be viewed in the "light most favorable", and this means to bonafide defenses and motions in good faith. What did the defendant's present to the court in their motion for summary judgment? (a) an improper motion not in affidavit form, (b) Def#2 affidavit of general denial and lack of veracity attack on plaintiff doctor, and lack of substance of affidavit, (c) no evidence that there are no material facts, (d) Def #2 did not meet the required burden of proof, (e) moot defenses. There are

Excerpts - STATEMENT OF THE CASE #8935-8-I
"3-Way Credibility Issue" "Light - - "
B.29(a)

issues of credibility which must never leave the jurisdiction of trier of fact. CP FILE #82 Begin P 98 - P1 Document P 12/21-31;
P 25/11-25; p 2/18-29; p 26/1-9; CP FILE #95 Begin P 63 - P1 Document P 6/21-26;

** Def #2 called off a trial of Beatrice Koker all by himself without benefit of continuance from the court, and with the knowledge of my own attorney who is the co-defendant in this case. CP FILE #117 Begin P 35 - P1 Document P 9/28-32;

** The Def #2 did not meet the elements of the CR 56 and all of their presentation would have to be demonstrated as viewing the plaintiff's presentation in the "light most favorable" as a matter of obvious fact. But the rule states that even if the defendants in any case do follow the rules and do present their case correctly, the court must view the non-moving party in a special light.

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Light Most Favorable To Non-Moving Party"

*Brief P 22/1-27:

"Divided They Fall"

The complaint is based upon "Multiple Grounds Not Separable." There are joint-tortfeasors in alleged concert of action and misdeeds. There is togetherness in Cause II III IV. Cause II is misdeeds. Resulting in Cause III - Civil Rights denied, and Cause IV - outrage and anguish.

To remove either Def #2 or Def #1 is to distort the theory of the case, and remove the multiple grounds, and leave a single conspirator not eligible by law. The issues of conspiracy and collusion are not resolved, and dismissing a conspirator is contrary to law, and "divided they fall." CIV. APPEAL p 44/10-14:

I asked in open court that the jury be allowed to decide if anyone should be dismissed so that they would receive the entire facts and evidence of the case to

Excerpts - STATEMENT OF THE CASE #8935-8-1
"Divided They Fall"

B-30 (a)

so determine. SEE: RP "RECONSIDERATION"
MARCH 6, 1980 p 2/23-24-25; Page 3/1-7;
This plaintiff continued naively to plead
for her former attorney that he be treated
fairly and not be left alone to pay the
debt. CP FILE #77 Begin P 154 - P1
Document P 5/25-31: P 6/1-7: P 28/10-16;
RP "SUMMARY JUDGMENT" JAN 31, 1980 Page
4/1-2-3;

There was explanation at a hearing
as to the purpose of the Complaint, to
adjudicate the entire case in one trial,
Four Causes of Action, joint-tortfeasors.
RP "SUMMARY JUDGMENT" JAN 31, 1980 Page 3/
11-20;

Plaintiff predicted prejudice if the
joint-tortfeasors were divided. CP FILE
#97 Page 58; (One Page)

* Brief P 23: 24: 25: 26:

"A Trial Is Necessary"

A trial is necessary as per all assignment of errors and issues and statement of the facts and record herein. Quoting from RP "RECONSIDERATION" MARCH 6, 1980
P 7/5-13: Beatrice Koker To The Judge:

"Mr. Helsell seems to think that it is because I am disgruntled because I didn't get more than \$4,600. Your Honor, when a person is injured and they have to borrow money, they have to mortgage their home to the point of losing their home in order to meet the debts that come with the injuries, then something has to give, and if the people have ruined the trial that could have awarded me those proper, adequate damages, then I have to take recourse against the people who did it."

Could it be crowded court calendars is a persuasive force in dismissing Def #2 contrary to law? There must be no consideration of whom would prevail at trial and the Constitution is unhurried and immune to crowded court calendars. CP FILE #75

Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

B-32

Begin P 213 - P1 Document P 2/1-22:

RP "SUMMARY JUDGMENT" JAN 31, 1980 Page

4/15-20: Plaintiff pleaded for a trial on the merits and is rebuffed by granting of summary judgment not warranted by law.

All plaintiff's opposition backed up by law was to no avail. CP FILE #74 Begin P 216 - P1 Document P 71/1-31:

Even the slightest issue of fact and dispute and doubt is by law a necessary trial. This plaintiff proved her facts, and proved there are material facts, and issues of credibility, and doubt, controversy, and submitted an evidentiary complaint to back up the allegations. The nature of the case is repugnant. The issues are monumental and complex. The trial is imperatively necessary and speaks for itself from the record. Examples To Follow:

"CONSPIRACY AND COLLUSION: AGREEMENT:

The law is specific that "conspiracy"
Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

B.32 (a)

is for the trier of the fact" and may not be disposed of on summary judgment. CP FILE #74 Begin P 216 - P1 Document P 26/1-4: P 37/1-18: P 50/12-30: Fact and law prove "implied agreement." CP FILE #74 Begin P 216 - P1 Document P 40/1-30: EXHIBIT 2-3-4 COMPLAINT CP FILE #1 Begin P 425:

Exhibit 2-3-4 (supra) of the Complaint are relevant to the conspiracy and collusion allegations. Attorney of record for Def #2 at oral argument attempted to cloud the issues by referring to the contents of these affidavits as just "chaffing remarks" in the corridor, and attorneys "kidding each other in the halls." SEE: RP "SUMMARY JUDGMENT" Jan 31, 1980 Page 13/21-25: P 14/1-10:

The six elements of conspiracy have been met by plaintiff. CP FILE #77 Begin P 154 - P1 Document P 32/1-30: P 33/1-27: Then "Agreement" proven to the court.

Excerpts - STATEMENT OF THE CASE #8935-8-I "A Trial Is Necessary"

B.33

CP FILE #82 Begin P 98 - P1 Document P 25/
26-32: CP FILE #117 Begin P 35 - P1 Docu-
ment P 9/1-24: Beatrice Koker controverted
Mr. Helsell, defense attorney in oral argu-
ment on subject of "agreement" regarding
conspiracy. RP "SUMMARY JUDGMENT" JAN 31,
1980 Page 15/18-32+ P 16/1-17:

Both attorney defendants in the case
at bar maneuvered calling off a trial by
themselves in May of 1974. The record
proves that 9 days after calling off the
trial themselves independent of jurisdic-
tion of any court, one attorney obtained a
continuance "after the fact" on a false
premise of conflict of trial dates. A
motion is deliberately set just prior to
the trial, and both attorneys in that liti-
gation are involved. An attorney is
untruthful to a judge, and the trial is
already a cancelled appointment via the
attorneys, when condescending to ask for

Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

B-33(a)

a continuance. The entire proof of these facts is in CP FILE #117 Begin P 35 - P1 Document P 5-6-7: PLUS EXHIBITS 5(a)(b)(c)(d)(e): In addition Cause Of Action II shows the purpose of delay on the record. CP FILE #1 Begin P 425: Paragraph 2.47 Through Paragraph 2.58: A TRIAL IS NECESSARY.

MATERIAL FACTS:

Pleadings and affidavits and evidence from the record raised questions of fact and are not resolved. Cause I II III IV was realleged to bring the specific examples and proof into the Plaintiffs Memorandum in opposition to the Motion for summary judgment. CP FILE #74 Begin P 216 - P1 Document Page 98/1-21: Deceit and fraud of the allegations are material facts unresolved. CP FILE #74 Begin P 216 - P1 Document P 32/18-31: The Nine (9) elements of fraud and how they apply to the case at bar is pre-

Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

B-34

sented to the lower court. CP FILE #74
Begin P 216 - Pl Document Pages 51-52-53-
54-55-56(a*(57)(58) TO LINE 21;

Material facts are for the trier of the fact and not to be determined on summary judgment. However, the Def #2 did not say there are no material facts, they did not mention material facts either pro or con.
CP FILE #82 p 98 - Pl Document P 2/1-18;

COMPLEX QUESTIONS:

Honorable Presiding Judge Lloyd Bever in 1979, declared this case complex and definitely for preassignment. CP FILE #95 Begin P 63 - Pl Document P 2/1-14: A precedent case is always complex. CP FILE #95 Begin P 63 - Pl Document P 2/16-19: Complexity is for the trier of the fact, making this case imperative for trial.

INTENT:

There is only one way to reconstruct intent of the parties and that is with
Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

witnesses and cross-examination and a trial. Summary judgment, by law, cannot determine intent, nor inference of intent. In Plaintiffs memorandum in opposition to Def #2 clearly questions intent: "WHY" "WHY" "WHY" is a question that is repeatedly asked.

CP FILE #74 Begin P 216 - Pl Document P 68/13-23: Only a trial can determine the intent of my own attorney aiding and abetting the defense attorney in the trial of 1976 and is herein relevant to Def #2: CP FILE #74 P 216 - Pl Document P 102/10-16; EXHIBITS 2-3-4
The Affidavits of the Complaint CP FILE #1
Begin P 425: INTENT IS FOR TRIER OF FACT.

CONTROVERSY: PUBLIC TRUST:

The Trier of the fact is there to determine controversy. The issues of the numerical plurality of wrongs committed by Def #2 are numerous. CP FILE #82 Begin P 98 - Pl Document p 12/21-31: p 6/21-26: p 24/2-32: CP FILE #117 Begin P 35 - Pl Document P 9/28-32: PUBLIC TRUST SPEAKS FOR ITSELF.

Excerpts - STATEMENT OF THE CASE #8935-8-I
"A Trial Is Necessary"

* Brief Page 27: Page 28/19-26:

"Obstruction Of Justice"

United States Supreme Court Justice Felix Frankfurter says an attorney actively engaged in the conduct of the trial is not merely another citizen. He is an intimate and trusted and essential part of the machinery of justice, an "officer of the court" and in the most compelling sense. The citizen is to be protected by attorneys. CP FILE #74
Begin P 216 - P1 Document P 36(a) Lines 1-23:

The FIRST OBSTRUCTION OF JUSTICE occurred when the plaintiff attorney AND the defense attorney (Def #2) did not perform their duty by law in the trial of 1976, and caused obstruction of justice, committing misdeeds together in untruths and deceit and concealment. CP FILE #74 Begin P 216 - P1 Document P 32/9-17:

The SECOND OBSTRUCTION OF JUSTICE is to grant summary judgment to Def #2 and dismiss-

ing Cause II III IV and all of the misdeeds
deceit and untruths and concealment and doing
so contrary to law. The Court Order has
sealed the door to redress and remedy.

CP FILE #133 Begin P 30. CP FILE #132 Begin
P 32:

The very officers of the court, the
attorneys, sworn on oath to protect the public,
obstructed justice together in Cause II,
which resulted in Cause III and IV. CP FILE
#74 Begin P 216 - P1 Document P 31/1-4: CIVIL
APPEAL STATEMENT Page 41/26-32:

The jury is also the public and may not
take kindly to the evidence presented by
plaintiff. I will prevail at trial. CP FILE
#74 Begin P 216 - P1 Document 56(a) 13-31:

There is alleged corruption in the trial
of 1976 against the defendants. Complaint
(supra) Para 3.7-3.9: The result of obstruct-
ion of justice in Cause II is outrage & anguish.

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Obstruction Of Justice"

B. 35 (b)

* Brief Pages 29-30-31-32:

"Denial Due Process To Constitutional Trial"

The Constitutional trial referred to herein, is a trial that is "fully and fairly heard in a meaningful manner," under the 14th Amendment of the United States.

A summary judgment was granted to the Defendant #2 moving party, removing Cause II III IV, the entire case against them, a Constitutional trial was demolished with a ruling of the court. The jury will not be informed of the misdeeds, concealment, deceit of either defendant because the ruling left a lone conspirator, ineligible. Plaintiff begged the court to preserve her due process right to a trial, by denying the summary judgment. 6P FILE #82 Begin P 98 - P1 Document P 14/22-29; P 16/2-30; P 21/2-7; CIVIL APPEAL Page 29/4-12;

DUE PROCESS IN ORAL HEARING. RP "RE-CONSIDERATION" MARCH 6, 1980: p 2/15-22;

Excerpts - STATEMENT OF THE CASE #8935-8-I "Denial Of Due Process To Constitutional Trial"

Quoting Beatrice Koker:

"I feel in this situation that in the matter of due process of law where I am to get a trial, and if this summary judgment is granted to defendants #2, I will have lost the right to my trial. If it is denied to defendants #2, they will have lost nothing. They will be able to have their day in court. They will be able to have the issues decided by the trier of the fact, and everybody will be treated fairly."

Will a trial be fully and fairly heard in a meaningful manner with a defendant, facts, issues, evidence of misdeeds dismissed thus concealed, by a court order?

CONCEALMENT OF CONCEALMENT:

The attorney of record for the moving party, refers to wrongdoing of his client, Mr. LeMaster, as only a "vigorous defense."

CP FILE #74 Begin P 216 - P1 Document P 47/

1-30:

A theory of the case at bar is conceal-

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Denial Due Process To Constitutional Trial"

B.36(a)

ment, complete with evidence from the record to support the allegations. Def #2 was the defense attorney in trial for personal injuries 1976. He executed untruths with the knowledge and involvement of my own counsel, and concealment of misdeeds by both.

By granting the summary judgment to Def #2, this denies Beatrice Koker a Constitutional trial on her proven allegations, and results in concealment of misdeeds for all posterity. The order of the court means "concealment now of concealment then." The plaintiff is left devoid of her Constitutional right to a trial fully and fairly heard in a meaningful manner. The jury has a right to all the evidence proven from the record.

CP FILE #82 p 98 - P1 Document P 16/10-30:

CIVIL APPEAL STATEMENT PAGE 24/22-32:

THE RESULT OF WRONGDOINGS:

To be denied a Constitutional trial is to be denied a Constitutional right to re-

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Denial Due Process To Constitutional Trial"

dress and remedy. The "property" in the form of my person is left a cripple for life and by this ruling of the court, permanently deprived of redress and remedy. Those who committed the wrong are given the advantage. The public trust is betrayed when wrongdoers profit from their wrong. CP FILE #95 Begin P 63 - P1 Document P 15/8-23:
CP FILE #82 Begin P 98 - P1 Document P 13/1-31:

Deceit and concealment of deceit and untruth have an aftermath and repercussions if discovered. The key to the outrage and anguish in this case, is the "discovery." Misdeeds of furtive nature and unwanted discovery, are meant to stay unknown by other than those who committed the acts. CAUSE OF ACTION III PARAGRAPH 3.1 Through PARAGRAPH 3.9 AND CAUSE OF ACTION IV PARAGRAPH 4.1 Through Paragraph 4.24 both to be found in Complaint CP FILE #1 Begin P 425: these two

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Denial Due Process To Constitutional Trial"

B-37 (a)

actions are the result of misdeeds and deeds and acts against the oath of an attorney and the CPR and public policy, and fidelity to the court and the law of the land. The repercussions and the aftermath become a minute to minute endurance. CP FILE #74 P 216 - Pl Document P 58/22-30: ALL OF PAGES 59 and 60:

Denial of a Constitutional trial is a denial for redress and remedy for the result of wrongdoing. RP "RECONSIDERATION" PAGE 7/23-24-25: The permanent injuries are adversely affected even to the present day with litigation. A thumbnail sketch of the circumstances present is profit of a wrong for the wrongdoers, and PUNISHMENT FOR THE VICTIM.

What would public trust discern from proof in the record of attorneys lying to judges and a jury? Deceit in a courtroom in concert?

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Denial Due Process To Constitutional Trial"

* Brief Page 32:

"Untimely Recusal"

Honorable Judge William C. Goodloe recused himself from the case at bar. His reason being a long-standing friendship of 30 years with one attorney defendant.

CP FILE #151 p 21: The recusal is an irregularity under CR 59(a)(1):

Judge Goodloe says he had an "uneasy feeling from the very beginning" of the case regarding his friendship with a defendant. He explained he did not want a question of bias or prejudice in a trial, therefore recused himself. A point in fact is summary judgment proceeding is of equal importance to a trial. The determination of IF there will be a trial is a decision entirely for a judge, whereas, in a trial there will be a jury to determine. The letter of recusal is answered by Beatrice Koker. CP FILE #155
Begin p 1: (All) Objections to the

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Untimely Recusal"

B-39

"untimely recusal", because recusal occurred AFTER all the summary judgment proceedings had terminated for both defendants. CP FILE #153 - Begin P 4 (All):

Beatrice Koker has made public record her refusal to accept \$4,600. damage award from a trial permeated with concealment and deceit and untruth. The same refusal to participate, applies to presentation of a silent "concealment of concealment" by court order granting summary judgment to defendants #2. I will not be forced by court ruling and order contrary to law to withhold evidence from the jury about misdeeds and wrongdoing and the theory and essence of my case against Def #2. That would make me a party to deceit. Integrity is the stronghold of honesty. CP FILE #82 Begin P 98 - P1 Document P 30 PARAGRAPH 4 and 5: CIVIL APPEAL STATEMENT PAGE 12/1-8: 13/15-20: 15/1-9: 46/14-30:

Excerpts - STATEMENT OF THE CASE #8935-8-I
"Untimely Recusal"

WHERE AND HOW
FEDERAL QUESTION RAISED
(From Record) DEF-TWO

CP FILE #82 p 98: Petitioners p 15/1:
Petitioner's p 14/22-29: "The Constitution of the United States and the Constitution of the State of Washington jealously guard and protect the right of a fair trial to every citizen. The granting of summary judgment to the Def #2 is denying me due process of law and denying me the right to a trial. Obstruction of justice will be a fact, if this summary judgment decision is allowed to remain. I respectfully ask reconsideration herein, and respectfully ask the summary judgment be denied to allow justice to prevail. The Constitutional issue is now raised."

Comment: Reconsideration granted. Then summary judgment denied II III IV.

p 16/21-23: "I am stating emphatically my Constitutional rights are usurped in granting the summary judgment to annihilate the right to be heard by the trier of the fact."

p 29/12-14: "Can it ever be said that untruths told to a judge and jury in a court of law in a trial is consistent with lawful and honest purposes?"

p 28/14-16: "There cannot be res judicata for a cause of action never pleaded, never tried, never adjudicated, where no trier of the fact has ever touched the allegations or issues determination."

FROM THE RECORD
DEF-TWO ONLY

CP FILE #82 p 98:

Petitioner's p 70/6-8: "How could this of action be res judicata when the Defendants #2 and Defendants #1 have never had their "day in court?"

p 28/11-13: "It follows from the very nature of things that a cause of action which did not exist at the time of the former judgment could not have been the subject matter of the action sustaining that judgment."

p 34/23-28: "Actual fraud" consists of deception, intentionally practiced, to induce another to part with property or to surrender some legal right, and which accomplishes the end designed; on the other hand, "constructive fraud" consists of a breach of legal or equitable duty, which irrespective of moral guilt of the fraud feason, the law declares fraudulent because of its tendency to deceit others, to violate public or private confidence." STEELE V STEELE 295 F Supp 1266 (1969)

p 40/26-27: "Controverting affidavits present a material fact and genuine issues for trier of the fact."

p 50/21-23: "The issue here is a litigant has the Constitutional Right to be in a court of law with issues and facts presented in an honorable manner by both sides in an adversary system!!"

FROM THE RECORD
DEF-TWO ONLY

CF FILE #82 p 98:
Petitioner's p 60/30-31:

"I am now a woman isolated by betrayal."

p 71/23-24: "Only a trial on the merits
of this case at bar will resolve the
issues of fact and prepare for justice
to be done."

p 32/29-31: "The material fact is that
the plaintiffs were deceived not
only by their adversary but by their
own legal counsel allegedly."

ORAL ARGUMENT
SUPERIOR COURT
DEF-TWO ONLY

RP "RECONSIDERATION" MARCH 6, 1980: p 2/
15-22:

"I feel in this situation that in the
matter of due process of law where
I am to get a trial, and if this
summary judgment is granted to
defendants #2, I will have lost
my right to my trial. If it is
denied to defendants #2, (summary
judgment) they will have lost
nothing. They will be able to
have their day in court. They will
be able to have the issues decided
by the trier of the fact, and
everybody will be treated fairly."

p 5/11-13: "My first action is for
personal injuries. (1976 trial)
This action is for the actions of
the attorneys and wrong that they
did."

Federal Question

THE APPEAL
#8935-8-I
DEF-TWO

p 4/1-7: "Appealing denial of due process of law under the 14th Amendment being denied a trial by law. Appeal is under Section 1103, bias of the decision maker; Section 1160(a) reasonable doubt, the validity of judgment, abuse of discretion, obstruction of justice, prejudice and bias, and all other Constitutional guarantees of court proceedings and justice appealed for herein and any and all rules and law and authority that apply."

p 2/18-19: "Appealing dismissal in trial court Cause II that should be law be presented only to the trier of the fact for determination."

I 4/28-30: "The plaintiffs of this appeal must ask protection of due process for proceedings of justice."

p 4/19-23: "Appealing the removal of defendants #2 in Cause II III IV which defeats the "truth, the whole truth and nothing but the truth," in a court of law by eliminating evidence from a trial, evidence proven from the record . . ."

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-TWO ONLY

p 50/12-13: "Relief sought in Court of Appeals is definite ruling on the Federal Question."

CIVIL APPEAL STATEMENT
#8935-8-I
DEF-TWO only

p 6/7-13: "The nature of the case is divided in such a way by this summary judgment of dismissal being granted that the issues of Cause II are demolished. The joint-tortfeasors and the multiple grounds not separable were for the trier of the fact.. Thus there is denial of due process of law for this plaintiff under the Constitution for a fully and fairly heard trial in a meaningful manner."

p 7/9-11: "The cause of Action II, the alleged conspiracy and collusion was adjudicated by the judge in dismissal on summary judgment. The due process of law to an open and honest trial is denied this plaintiff by removing evidentiary facts of wrongdoing by two co-defendants to remove Cause II is to "conceal the concealment."

p 13/31-32: "There is issue that the summary judgment proceedings have removed the elements of evidence from the trial that should be only for the trier of the fact. Cause II III IV.

p 18/19-22: and 24-26: "This plaintiff is denied her due process of law of a trial fully and fairly heard in a meaningful manner." "The court has removed a public wrong as well as a civil wrong and severed joint-tortfeasors, co-defendants in their concert of action, when that is question for the jury."

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-TWO ONLY

p 21/17-20: "There is issue presented for view and review that to grant a summary judgment to Def #2 and thus remove the truth and evidence denying the plaintiffs an inherent right to a trial fully and fairly heard in a meaningful manner is denial of due process."

p 21/25-32: "There is diversion of justice by dividing an issue and joint-officers-of-the-court tortfeasors when indivisible by law. There is obstruction of justice under the law and there is abuse of discretion by the court in granting of summary judgment to -Defendants #2. There is issue presented for review in being denied a jury trial for the wrongdoings of Def #2 who by being dismissed from this case at bar, is profitting from his wrongs, and this is contrary to the doctrine in law and principle."

p 22/7-9: "It is denial of due process to the appellants for those committing the wrongs to be released to avoid redress and remedy owed under the Constitution."

p 22/14-16: "An issue presented for review is why a defendant would want to escape rather than exercise a Constitutional Right to the due process of a trial."

p 28/26-27: "There is an issue presented for review as to why the defendant would shun a Constitutional right of a trial."

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-TWO

p 23/9-14: "There is issue for review in the method of denial of due process. I am not suggesting there was not notice and the open court proceedings in hearings are not the issue. I am stating emphatically that my Constitutional rights are usurped in granting summary judgment of Def #2 thus removing the right to be heard by the trier of the fact according to the law of the land."

p 29/28-31: "There is issue for review because to remove proven facts designated by law to be for the trier of the fact for the jury, is to malign the meaning of truth in a court of law, and remove the basis of our right to a fair trial. Why are the defendants hiding behind a summary judgment?"

p 35/4-9: "There is issue presented for review in denial of equal protection under the law. The Constitutional guaranty of equality of justice applies only to injuries which result from breach of legal duty or an invasion or infringement upon a legal right. Const art 2 §6; art 5, §21: 8 Wests's Pacific Digest 422. Wests Key 321 Constitutional Law."

p 24/28-32: "When the attorneys of the trial choose to commit the wrong, then the legal wheels must choose to present the wrong to the jury so that the appellant is given redress and remedy for their proven acts. Instead, the court of law removed the ugly facts of truth from the record denying due process . ."

Federal Question

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-ONE ONLY

p 38/4-7: "Appellant Beatrice Koker is pleading for her rights by law, by Constitution, by authority. Those with the authority to listen and deny summary judgment as is proper by law, have granted a summary judgment contrary to law in every aspect."

p 41/26-32: "There is an issue to review of the obstruction of justice in judicial proceedings when the attorneys are involved in untruths in a court of law. When that fact is proven and brought forward in a cause of action, the court has no right by law to remove the wrongdoer in granting of summary judgment against evidence. There is obstruction of justice to dismiss the obstruction of justice done previously by two attorneys in the trial of 1976."

p 8/3-4: "The nature of the case could become a CLASS ACTION, for the subject matter concerns every citizen in America."

p 19/20-22: "The common law on principles and maxims says law should not tolerate even a small injustice nor the appearance of it. The injustice perpetrated upon this plaintiff is an epidemic."

p 29/22-26: "There is no way to allow wrongful acts to be swept under the "legal rug" because the truth will out, and then the concealment of concealment will add to the public furor already echoing "injustice" . . ."

Federal Question

APPELLANTS REPLY TO THE
ANSWER BY RESPONDENT TO
CIVIL APPEAL STATEMENT
APPEAL 8935-8-I DEF-TWO

p 23/16-23: "There must never be allowed a format to pick and choose procedure and protection for anyone who has committed a drastic wrong. There must be delving beyond the call of duty to see that justice is not only done BUT PERMITTED A CHANCE TO BE DONE."

p 16/17-19: "NO FACTS WERE CONCEDED BY PLAINTIFF, NOR WILL THEY EVER BE CONCEDED AT ANY TIME OR ANY PLACE."

Comment: The Complaint is evidentiary and specific examples proven from the record. Neither defendants answered the complaint? Question: How could anyone concede to proven facts if filing the Complaint? Question: How could one concede in any circumstance to that which is not answered? Def #2 Reply Brief holds that misstatement.

p 15/24-32: "This plaintiff has learned from bitter experience that in being pro se, there is no way to NOT answer every line and word submitted by an adversary. As a result, the opponents know that the entries filed by pro se mount up in pages, and become an annoyance to the court."

"My cause is right, against powerful forces."

p 23/3-6: "There is no Constitutional right like that of facing the truth in a court and having everything open and above board and all the facts before the jury pro and con and let it be done."

Federal Question

OPENING BRIEF (Appellant)
APPEAL #8935-8-I
DEF-TWO

p 27/10-21: "The FIRST OBSTRUCTION OF JUSTICE occurred when the plaintiff attorney AND the defense attorney (Def #2) did not perform their duty by law in the trial of 1976, and caused obstruction of justice, committing misdeeds together in untruths and deceit and concealment."

"The SECOND OBSTRUCTION OF JUSTICE is to grant summary judgment to defendant #2 and dismissing Cause II III IV and all of the misdeeds, deceit and untruths and concealment and doing so contrary to law . . The Court Order has sealed the door to redress and remedy."

p 60/9-11: The FIRST OBSTRUCTION OF JUSTICE occurred prior to and during the trial of 1976, participated in by the plaintiff attorney of that trial and the defense attorney of that trial."

p 60/24-27: The SECOND OBSTRUCTION OF JUSTICE is to allow the first obstruction of justice to remain without redress and remedy, and to bury the facts and evidence, and rule contrary to law and leave the victim facing "concealment of concealment" of the wrong of the attorneys. Justice is lost."

p 11/2-3 and 10: "Due Process to a Constitutional Trial is a trial that is fully and fairly heard in a meaningful manner. "The jury will never hear . . ."

OPENING BRIEF (Appellant)
APPEAL #8935-8-I
DEF-TWO ONLY

p 30/11-17: "By granting the summary judgment to Def #2, this denies Beatrice Koker a Constitutional Trial on her proven allegations and results in concealment of misdeeds for all posterity. The order of the court means "concealment now, of concealment then." The plaintiff is left devoid of her Constitutional right to a trial fully and fairly heard in a meaningful manner."

p 31/19-20: "Denial of a constitutional trial is a denial for redress and remedy for the result of the wrongdoing."

p 32/9-11: "A point in fact is summary judgment proceeding is of equal importance to a trial."

p 48/10-14: "There is a right by law to have a trial untampered from deceit and lies and wrongful deeds. Not only is a trial necessary but a trial fully and fairly heard in a meaningful manner to comply with constitutional promises."

p 52/17: "The reasonableness of a party's acts is a question of fact and a trial is necessary."

Comment: Is there any scienter of reasonableness of the partys' acts in the case at bar? ?

No.

Federal Question

OPENING BRIEF (Appellant)
APPEAL #8935-8-I
DEF-TWO ONLY

p 60/2-7: "The trial of 1976 was corrupted and Def #2 had help from Def #1. "Corruption" is an act of an officer or fiduciary person who wrongfully acts contrary to duty and to rights of others and its effect vitiates the basic integrity and purity negativating that which is vital to the due course of justice. U. S. V RAGEN 86 Fed Supp 382(12): Wests Key 110:"

p 62/3-6: "To bind the forces of justice by tying the hands of plaintiff in presentation of truth and facts and evidence in a trial, is to deny me due process of law to have a Constitutional Trial fully and fairly heard in a meaningful manner."

p 62/26-27: "A Constitutional trial must have all the defendants party to the wrong, and all the evidence and facts and truth."

p 66/2-5: "In excess to the injuries, the attorneys corrupted the trial of 1976. A tort action against them for their legal wrongs, results in summary judgment leaving a harm upon harm to endure."

p 34/4-8: "This case evolved from a trial for personal injuries. The defense and plaintiff attorney in that trial committed misdeeds against the Constitution of the United States and Article III and Amendment 14."

APPELLANTS OPENING BRIEF
APPEAL 8935-8-I
DEF-TWO

p 67/3-10: "The result of legal wrongs resulted in denial of Civil Rights, Procedural Due Process and Procedural Equal Protection under the law. In the Civil Rights Act of 1871 §80 CH 5 p 117: 42 USCA §1985: Quote:

"Section 1985(2) provides that if two or more persons conspire for the purpose of impeding, hindering, obstructing , or defeating the due course of justice with intent to deny any citizen the equal protections of the laws, the party so injured may have the right to recover damages."

"BARNES V DORSEY 480 Fed 2d 1057

(1973) Footnote 37:

p 67/11-18: "8 U.S.C.A. §47 (3) "CIVIL

RIGHTS STATUTE" relating to conspiracies. To recover under Civil Rights Act, it is implicit that alleged deprivation of civil rights must result from breach of duty owed by wrongdoer. CAMPBELL V GLENWOOD

224 F Supp 27: Attorneys have a duty to protect the public trust and honor of the court and the integrity of his legal profession and so says this in 14 CJS 153 CIVIL RIGHTS §92 Breach of Duty Footnote 19."

p 69/14-19: (6): "To give a definite ruling on the federal question of denial of a Constitutional Trial, denial of due process, meaning a trial must be "fully and fairly heard in a meaningful manner, without concealment of facts and evidence, . . . "

OPENING BRIEF (Appellant)
APPEAL #8935-8-I
DEF-TWO Only

p 34/4-8: "The court, in the aura of such total opposition according to the law, granted a summary judgment of dismissal to Def #2 on Cause II III IV contrary to law, and violated a Constitutional promise to a citizen. The Constitutional promise is a trial, "fully and fairly heard in a meaningful manner."

REPLY BRIEF (Appellant)
APPEAL #8935-8-I
DEF-TWO ONLY

p 35/3-5: "Appellants right to a Constitutional trial, fully and fairly heard in a meaningful manner cannot survive a granted summary judgment."

p 35/11-18: and 22-25: "The public issue is prevalent in the case at bar, in that every citizen is a potential litigant. The issue being that every citizen has right to expect justice in a court of law. JUSTICE WILL NOT BE SERVED to grant summary justment and affirmed on appeal contrary to all law and rule and fact and circumstances. Public trust will suffer if wrongdoers whatever their profession, are allowed to "escape" and "avoid" answering for misdeeds against any citizen of that "public."

"The Constitution is but a piece of paper in the archives of Washington D. C., without implementation by the courts and attorneys."

FROM THE RECORD - SUPERIOR COURT
APPEAL #8935-8-I
DEF-TWO

CP FILE #74 p 216:

Petitioners p 27/21-26:

"This legal wrong allegedly accomplished by quasi judicial officers sworn to PROTECT THE "PUBLIC". That is a genuine issue of material fact, and "WHY THEY DID NOT PROTECT" is another material fact."

p 56(a)/14-21:

"The jury represents the "PUBLIC." The jury is the trier of the fact. The alleged fraud and deceit upon a jury who represents the "PUBLIC" the "CITIZEN" the "LITIGANT," whether plaintiff or defendant, are prepared only for truth when it comes to quasi-judicial officers of the court. Fraud and deceit upon the jury and judge is fraud and deceit upon the litigant."

CP 82 p 98:

Petitioners p 4/22-26:

"The allegations of #864509 Cause I * II * III * IV must be resolved to preserve the right to trial to resolve the responsibility of damages, and to segregate wrongful acts for exposure to restitution by the trier of the fact THUS PROTECTING THE PUBLIC from future insurrection foreign to the Oath of an attorney and the Code of Professional Responsibility."

p 8/20-22:

"Deceit is an unsightly blight upon the legal profession and being an attorney is holding a BADGE OF HONOR more than in name only."

Class
FROM THE RECORD -SUPERIOR COURT
APPEAL #8935-8-I
DEF-TWO

CP FILE #32 p 98:

Petitioners p 10/20-23: "To release both Defendants #1 and Defendants #2 from the responsibility of their acts, omissions and legal wrongs, is to condone the deed. To penalize the plaintiff, is to sentence the victim of the wrongs to injustice."

p 11/21-23: "Allegorically speaking, justice is thrice removed and the injustice left my lot is like receiving a chicken bone to subsist until eternity."

p 11/24-30: "The very reason America first came to be, was injustice under the law and disillusioned PEOPLE abdicated from England. The 56 gentlemen who prepared the Constitution of the United States did so with prayer, humility and insight to protect and revere the RIGHTS OF ALL CITIZENS FOR ALL POSTERITY."

p 12/3-7: "Our promised posterity heritage is justice, freedom, liberty, redress and remedy at law, fairness. Even the American medium of exchange carries the promise of "IN GOD WE TRUST." Our patriotic stamps adorn the missives of the American people. Our beloved Flag instills a patriotic reverence for the land of our fathers, home of the brave, land of the free."

p 12/10-12: "The law of the land protects the PEOPLE. The courts belong to the PEOPLE. An attorney is never disbarred to punish the attorney --- but only to PROTECT THE PEOPLE. We the people"

FROM THE RECORD - SUPERIOR COURT
APPEAL #8935-8-I
DEF-TWO

CP FILE #82 p 98:

Petitioners p 12/16-19: "Can the Oath of a defense attorney be any less genuine for PROTECTION OF PEOPLE in a court of law, if the people happen to be adversaries? If the lawyer does not uphold the law of the land, and the dignity of the court - - who will?"

p 25/23-24: "The wrongdoers prevail."
"Abraham Lincoln could be turning over in his grave."

p 30: (Two Paragraphs): "There is public record of my refusal to accept the \$4,600. from the trial of 1976, because my principles will not touch a penny of damages received in the manner of lying to a judge and jury and permeating a trial with deceit and wrong."

"Nothing is better than to accept tainted money obtained through legal wrongs committed in a sanctity of a court of law by the very ones who are ordained to protect such sanctity."

CP FILE #74 p 216:

Petitioners p 58/24-30: "Here we have an entire Evidentiary Complaint of Beatrice Koker with Specific Examples of legal wrongs, and Mr. Helsell implies the conduct of opposing counsel is thought to be "outrageous" when the litigant is portrayed as a vulcher waiting in the weeds to pounce on coffers."

FROM THE RECORD - SUPERIOR COURT
APPEAL #8935-8-I
DEF-TWO

CP FILE #74 p 216:

Petitioners p 58/27-31: "It may be difficult for Mr. Helsell to have understood because someone who has not been crippled could not put themselves into "orthopedic shoes" of someone who is. At one time this plaintiff was whole and complete and swift moving and hard working and full of un, and I would not have understood entirely then."

p 59/2-5: "But I understand now what it is to be crippled. I know what it is like to have an unkind person call to me and say: "Hey you old cripple; you'd be better off dead."

p 59/13-18: "I feel Mr. Helsell did not mean to be unkind. Perhaps he does not understand that when Beatrice Koker was injured, there was an obvious depreciation of desire for material things which was never too prevalent in the first place. There is also a misconception of the value of money. Money does not mean to me what it is supposed to mean."

ORAL ARGUMENT
SUPERIOR COURT-DEF TWO

RP "RECONSIDERATION" MARCH 6, 1980 p 7/6-13:

Your Honor, when a person is injured and they have to go borrow money, they have to mortgage their home to the point of losing their home in order to meet the debts that come with the injuries, then something has to give, and if the people who have ruined the trial that could have

RP (Cont'd)

awarded me those proper, adequate damages, then I have to take recourse against the people who did it."

p 7/17-25: p 8/1-4: "Now, the Appellate Court has put a price on a drop-foot injury of \$145,000. as being a sensible award. I didn't put that on there, but I know that I can't keep my house, I can't keep my yard. For a person who has provided a home loving - - centered her whole life around her home and family, that is a catastrophe, and I feel Mr. LeMaster and Mr. Betts that they owe a debt, that it should be paid, and I am not angry with anybody. I don't feel malice or bitterness or vindictiveness. I just feel that it's time that something is done to help undo what has been done."

The Court: "Do you have anything to add, Mr. Helsell?"

Mr. Helsell: "No, Your Honor."

THE CIVIL APPEAL STATEMENT
DEF-TWO #8935-8-I

p 8/19-22: "The nature of the case relates to why a litigant-client-adversary citizen-public is a chronic victim of the aftermath of dishonesty in a court of law when the doctrine succinctly states the wrongdoer shall not profit by his wrong."

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-TWO

p 8/29-32: "The nature of this case can destroy the trust the PUBLIC has in the courts and legal profession. The attorneys are representing the image of integrity and truth and right. Two have allegedly broken their word, their oath and the CPR and a threat to justice."

p 20/16-20: "Those who have done wrong are allowed to leave the burden of their acts upon a CITIZEN-LITIGANT Beatrice Koker whom the attorneys have sworn to protect. That is the lowest form of injustice to encounter and the help for their "escape" comes from the system of justice itself."

p 29/8-12: "The PUBLIC would find the acts of the quasi-judicial officers of the court in trial 1976 outrageous. The public will find it more outrageous to learn such facts are concealed by granting of a summary judgment than in bringing the allegations and defendants properly before the trier of the fact."

p 29/22-28: "There is no way to allow wrongful acts to be swept under the "legal rug" because the truth will out, and then the concealment of concealment will add to the PUBLIC FUROR already echoing "injustice" and dissatisfaction with the legal profession and the courts."

p 45/8-9: "There is an investment in an attorney to PROTECT ALL PEOPLE . . ."

CIVIL APPEAL STATEMENT
APPEAL #8935-8-I
DEF-TWO

p 42/4-8: "There is issue presented for review that a litigant has the inherent right to an honest trial and honest representation and honest opposition in a defense attorney. "Honest" is the legal climate expected of a trial as portrayed to the PUBLIC in their acceptance of the honest image of the legal profession."

p 46/8-12: "SOCIETY in general, as well as the parties to an action is interested in preserving the purity and impartiality of the courts in order to foster respect and confidence of the people in court proceedings."

APPELLANTS OPENING BRIEF
APPEAL #9346-1-I

p 52/26-27: "A trial is necessary on a constitutional basis, and for PUBLIC TRUST to be restored."
"4 WASHINGTON PRACTICE 310 1."

p 53/1-11: "The complexity of this case is due to the nature of the case due to the fact attorneys are the wrongdoers in a court of law, depriving a constitutional right from a CITIZEN, and making a farce out of a trial, in a deceitful and concealing manner unbecoming to their profession. Two members of a very honorable profession fell below the standard of integrity of their Oath and the CPR and the Constitution, both State and Federal and betrayed court and public .."

APPELLANTS OPENING BRIEF
APPEAL #8935-8-I
DEF-TWO

p 57/25-27: "Could PUBLIC TRUST of attorneys survive an investigation of the evidentiary complaint with proof from the record of the wrongdoing by attorneys whom CITIZENS are taught to trust?"

p 58/14-17: "The PUBLIC is interested in litigations when the rights of a CITIZEN is jeopardized by the fact of "there but for the Grace Of God, go I." "A trial is necessary to protect me, AND PUBLIC TRUST."

p 62/11-14: "It is far better the PUBLIC know even attorneys in wrongdoing must make restitution and retribution for their wrongs. The PUBLIC TRUST of truth in a court of law, is affected by one ruling of the court sweeping wrong away under a ruling."

p 62/16-16: "TRUST IS A VERY TENDER EMOTION THAT CANNOT BEAR BETRAYAL."

p 63/3-8: "The CITIZENS consider the Constitution of the United States infallible, and the Constitution of our land an anchor to justice. It is probable most CITIZENS do not have expectation to ever go to trial, but if and when the time comes, the CITIZEN is assured right will prevail."

REPLY BRIEF APPEAL 8935-8-I

p 31/18-20: "Attorneys have a duty to protect the PUBLIC TRUST. . ." "Both attorneys breached a duty owed . . ."
